HONOURABLE MRS. JUSTICE T.MEENA KUMARI
&
HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No:306 OF 1996

Dated:28.11.2007

Between:

Nalgonda Diocese Society
Rep., by its Bishop (Administrator)
Nalgonda Town, Nalgonda District.

..Petitioners

And

1. The Nalgonda Municipality,
   rep., by its Commissioner,
   Nalgonda District.

..Respondent.

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&
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ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioner seeking to declare the action of the respondents in assessing and demanding the Municipal Tax for the buildings bearing No.5-11-4, 5-11-5 and 5-11-5/1 to 9, situated at Sanjeevaiah Road Nalgonda Town, Nalgonda District, which are constructed for the purpose of charitable and religious purposes, owned and possessed by the petitioner, which is religious and charitable society and is exempted under Sections 88(1)(a) and (c) of Municipal Act, is arbitrary and illegal.

The main grievance of the petitioner-society is that the buildings in question are constructed for the purpose of charitable and religious purposes and earlier, on the couple of occasion, when the municipality issued demand notice for payment of property tax, the petitioner-society filed objections, for which, the municipality satisfied and kept quiet. While so, on 7.10.1995, the municipality has issued the notices impugned demanding the tax for the society buildings. Hence, the present writ petition is filed on the ground that the buildings in question are constructed and are being used for the purpose of religious and charitable purposes, so that they are exempted under Section 88(1)(a) and (c) of the Municipal act, 1965.

Heard the learned Counsel appearing for the petitioners and the learned Standing Counsel for respondent-Municipality and perused the material available on record.

The learned Counsel for the petitioner-society submitted that the society sought for exemption of the property tax on the couple of occasions on the ground that it is a minority institution rendering charitable and religious services. However, without considering the said aspects, the demand notices have been issued.

On the other hand, the learned Counsel appearing for the respondent-municipality contended that the demand notices have been issued in usual course and that when it is the case of the petitioner-society that on the objections filed on an earlier occasion, no action has been taken, the petitioner ought to have filed its objections for the notices impugned instead of approaching this Court.

At this juncture, the learned Counsel for the petitioner-society sought liberty of this Court to file objections to the demand notices impugned with a proof to the effect that the petitioner-society is a charitable institution and it is exempted under the Municipality Act.

In of view of the above facts and circumstances of the case and in view of the above submission, without expressing any opinion on the merits of the case, We feel that it is a fit wherein an opportunity can be afforded to file objections or to make any representation before the appropriate forum.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to file its objections, or any representation before the respondent within a period of two weeks from the date of receipt of a

copy of the order. On such representation or objections, the respondent-municipality shall consider and pass appropriate orders in accordance with law, with in a period of four weeks thereafter. Till such time, the interim order granted on 23.1.1996 shall continue.

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Justice T. Meena Kumari

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Justice G. Rohini

Date: 28th November, 2007
Nn.

HONOURABLE MRS. JUSTICE T.MEENA KUMARI
&
HONOURABLE MS JUSTICE G. ROHINI

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(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

28/11/2007